## Before the

## FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 RECEIVED

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In the Matter of

Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application

To: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No. 92-159

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MAIL BRANCH

## **COMMENTS**

Comes now Larry G. Fuss, d/b/a Contemporary Communications and Delta Radio, Inc., ("Contemporary/Delta"), pursuant to Sections 1.415 and 1.419 of the Commission's Rules, and submits the following comments in support of the Commission's proposal to permit FM Channel and Class Modifications by Application.

Contemporary Communications is a broadcast consulting firm that specializes in assisting applicants for new FM broadcast stations or for changes in existing stations. Delta Radio, Inc., is the licensee of WDTL-AM/FM in Cleveland, Mississippi. Both companies are principally owned by Larry G. Fuss.

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Contemporary/Delta fully supports the Commission's proposals to amend Sections 73.203(b) and 73.3573 of the Commission's Rules, as set forth in the Notice of Proposed Rule Making. The changes proposed, if approved, will reduce the amount of time and paperwork involved in Commission approval for certain modifications broadcast stations and will speed the implementation of improved FM service to many communities.

As originally proposed, the Commission specified "[w]e also propose to limit this procedure to modifications that require no changes to the Table of Allotments other than a change in the allotment of the station seeking the However, Contemporary/Delta suggests that modification" 1/. the procedures proposed by the Commission should expanded to include situations in which Station A proposes to upgrade 'to adjacent channel, requiring an substitution of Channels for Station B, and in which Station B submits written concurrence with the proposal. Such a procedure would permit the expeditious processing of many upgrade requests, without prejudice to any other party.

<sup>1/</sup> NPRM, paragraph 8.

Contemporary/Delta also suggests that the proposed procedures be applied to non-adjacent channel upgrades. Although the Commission proposed to exempt non-adjacent channel upgrades from the proposed procedure, there is really no reason for doing so. Although non-adjacent channel upgrades are subject to competing expressions of interest, pursuant to Section 1.420(g), such expressions of interest could still be filed by an established cut-off date released on an appropriate Public Notice. This would provide parties who were interested in applying for the channel ample opportunity to express their interest in the non-adjacent channel, or any additional equivalent channel that may be proposed.

Contemporary/Delta also fully supports the Commission's proposal to apply any changes adopted in this proceeding only to applications filed after the effective date of the rules. To do otherwise would cause disruption in the processing of existing applications and create mass confusion among applicants.

## **CONCLUSION**

Contemporary/Delta respectfully requests that its comments be considered in this proceeding and that the Commission proceed with the proposed changes, which are clearly in the public interest.

Respectfully submitted,

LARRY G. FUSS, d/b/a CONTEMPORARY COMMUNICATIONS

Larry G. Fuss

Owner

DELTA RADIO, INC.

Larry G. Fuss

President

October 1, 1992